

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

OREADES SICAV represented by its Liquidator  
INTER INVESTISSEMENTS S.A., INTER  
INVESTISSEMENTS S.A. (f/k/a INTER CONSEIL  
S.A.), BGL BNP PARIBAS S.A., and BNP  
PARIBAS SECURITIES SERVICES S.A.,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05120 (SMB)

**THE TRUSTEE'S PROFFERED  
ALLEGATIONS  
PERTAINING TO THE  
EXTRATERRITORIALITY  
ISSUE AS TO DEFENDANT  
INTER INVESTISSEMENTS S.A.**

1. Defendant Inter Investissements S.A. (f/k/a Inter Conseil S.A.) (“Inter”) received \$8.1 million in recoverable subsequent transfers (the “Transfers”) originating from BLMIS, as a result of serving as the official manager of Oreades SICAV (“Oreades”), a feeder fund that invested exclusively with BLMIS.

2. Oreades was operated by Inter, together with (i) BGL BNP Paribas S.A., (“BGL BNP”), formerly known as BNP Paribas (Luxembourg) S.A.; (ii) BNP Paribas Securities Services S.A. (“BNP Securities Services”); and (iii) New York-based Access International Advisors (“Access”).

3. The Trustee’s subsequent transfer claims against Inter seek the recovery of fees Inter received from Oreades in connection with its management role.

4. Inter’s foreign presence was a sham. Inter contractually delegated all of its management function to BLMIS in New York. Inter existed abroad only in order to nominally comply with Luxembourg law.

5. New York-based Access also acted as Inter’s agent, performing purported oversight work on Inter’s behalf.

**Inter Was Part of a Commercial Enterprise  
Created for the Sole Purpose of Investment with  
BLMIS in New York to Profit from the U.S. Markets**

6. Inter was an essential part of a commercial enterprise, Oreades, that was created for the sole purpose of investing with BLMIS in New York, in order to profit from Madoff’s U.S. investment strategy and purported investment’s exclusively in the U.S. markets.

7. New York-based Access coordinated with BGL BNP and its related entities, including Inter, to establish Oreades as an investment fund in 1997.

8. Oreades held BLMIS customer account numbers 1FR032 and 1FR036, and was 100% invested in BLMIS in New York throughout its 1997 to 2004 existence.

9. Although registered in Luxembourg, Oreades had no independent office space or employees in that jurisdiction.

10. Oreades had a customer agreement with BLMIS that was governed by New York law and authorized Madoff to act as the fund's agent to buy and sell securities.

11. BLMIS also acted as the Oreades's investment manager in New York and purported to invest the fund's assets according to Madoff's strategy that involved the purchase and sale of U.S. securities and U.S. Treasuries over U.S. exchanges, and BLMIS acted as the executing broker and custodian for the securities purportedly held on the fund's behalf.

12. Oreades's entire purpose was to funnel money into BLMIS in New York.

**Inter Directly Contracted with BLMIS in  
New York to Have BLMIS Perform Oreades's Management**

13. In 1997, Defendant Inter was incorporated in Luxembourg for the purpose of serving as the official manager of Oreades, a role it assumed in name only.

14. According to a document produced by one of Oreades's major investors, Inter was created for the purpose of concealing BLMIS from the Luxembourg regulator because "Madoff could not appear directly" in regulatory filings and marketing materials.

15. Oreades's prospectuses and financial statements represented that Inter, and Inter alone, served as Oreades's manager.

16. All of Inter's managerial duties had in fact been delegated to BLMIS in New York through a Sub-Advisory and Management Agreement between Inter and BLMIS.

17. Pursuant to this agreement, New York-based broker-dealer BLMIS "agree[d] to act as the asset manager" of Oreades.

18. Inter was disclosed in Oreades's prospectus as entitled to advisory and performance fees for serving as the official manager of Oreades, for the provision of "recommendations, opinions, and advice regarding the choice of investments" for Oreades.

19. Based upon the financial disclosures contained in Oreades's and Inter's annual reports, Inter collected advisory and performance fees from Oreades of at least \$24.7 million, of which at least \$8.1 million were collected during the six years preceding December 11, 2008.

20. Inter outwardly represented itself as Oreades's official manager to investors and the Luxembourg regulator, and collected substantial advisory and performance fees for serving in this official role.

**Access Acted As Inter's Agent in New York**  
**Performing Purported Oversight Work on Inter's Behalf**

21. Inter's purported operations were also carried out by its agent in New York, Access.

22. Access was formed in New York in 1994 by Patrick Littaye and Thierry Magon de la Villehuchet, and served as a bridge between New York-based BLMIS and overseas investors.

23. Littaye had a close personal relationship with Madoff himself, and made the introduction and referral to Madoff that led to the formation of Oreades.

24. Inter entered into a May 1998 Service Agreement with Alternative Advisors Limited ("AAL"), a component entity of New York-based Access.

25. Pursuant to the Service Agreement, Access was entrusted with responsibility for ensuring that BLMIS transmitted information to Inter about BLMIS's management of Oreades.

26. AAL also entered into a subsequent Management Oversight Agreement with Inter, pursuant to which AAL was designated as Oreades's Investment Advisor and was granted the official responsibility of supervising BLMIS.

27. Although AAL was technically incorporated in the Bahamas, it was merely a part of Access itself, which was a New York-based enterprise with its headquarters on Madison Avenue in Manhattan.

28. Access's documents disclose that AAL served as a "money box" for Access, and that it was incorporated overseas because Madoff himself wanted to only deal with offshore entities.

29. Communications from New York confirm that Inter granted BLMIS the fund's management mandate and that Access was responsible for monitoring BLMIS in New York.

30. Access's New York office received copies of Oreades's account statements and trade confirmations from BLMIS.

31. It also produced analysis reports for Oreades's investors comparing Oreades's performance to that of the S&P 100.

32. Access communicated regularly with BLMIS, marketed Oreades, and managed Oreades customer relationships all from its office in New York.

Dated: June 26, 2015  
New York, New York

/s/ David J. Sheehan  
**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Mark A. Kornfeld  
Email: [mkornfeld@bakerlaw.com](mailto:mkornfeld@bakerlaw.com)  
Benjamin D. Pergament  
Email: [bpergament@bakerlaw.com](mailto:bpergament@bakerlaw.com)  
Karin Scholz Jenson  
Email: [kjenson@bakerlaw.com](mailto:kjenson@bakerlaw.com)  
Samir K. Ranade  
Email: [sranade@bakerlaw.com](mailto:sranade@bakerlaw.com)  
David Choi  
Email: [dchoi@bakerlaw.com](mailto:dchoi@bakerlaw.com)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*